

REMARKS

The Office Action mailed August 28, 2003 has been carefully considered by applicant.

Amendments to the Specification

The specification has been amended to correct typographical or grammatical errors. No new matter has been added.

Amendments to the Claims

Claims 1-8, 17, 18, 20, 21 and 23-35 are canceled. Claims 9, 10, 13, 14, 19 and 22 are amended. Applicant reserves the right to file a divisional application directed to subject matter of the canceled claims.

Claim Rejections under 35 USC §112

Claims 8, 21 and 22 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the present amendment, claims 8 and 21 are canceled. Claim 22 is amended to provide proper antecedent basis, in compliance with §112, second paragraph.

Allowable Claims

Claims 9-16, 19, 22, 42-50, 73, 74 and 82-89 have been indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9, 10, 13, 14, 19 and 22 have been amended to independent form, including all limitations of the base claim and any intervening claims. As such, claims 9, 10, 13, 14, 19 and 22 are now in allowable form. Claims 11, 12, 15 and 16 are now dependent upon an allowable base claim, and thus are also believed in allowable form. Claims 42-50, 73, 74 and 82-89 are left unamended and are believed allowable in their current form for the reasons stated below.

Claims Rejections under 35 USC §102(e)

Claims 36-41, 51-72, 75-81 and 90-107 remain in the application and have been rejected under 35 USC §102(e) as being anticipated by Lurie et al U.S. Patent No. 6,459,933, which claims priority to U.S. Provisional Application No. 60/186,008, filed

on March 20, 2000. Claims 36-41, 51-72, 75-81 and 90-107 are however believed allowable for the reasons stated below.

Lurie et al '933 teaches a remote control (12) for communicating with one or more remote devices (14) over a communications link (16). Electrically coupled to each remote device (14) is one or more monitoring device (20) and one or more treatment device (22). Treatment devices may include positive pressure ventilators, electroventilators, nerve stimulators, external defibrillators, external cardiac pacemakers, and the like. Based upon transmitted information from the central controller (12) one or more control signals are be sent over link (16) to remote device (14) to operate treatment device (22). The remote device (14) has a speaker (74) and a display screen (30) for notifying a clinician of a parameter provided by the monitoring device (20) or treatment device (22).

Present Application Claim 36

Claim 36 recites a system suitable for use with medical apparatus. The system employs a signal indicative of a parameter relating to the apparatus or to a patient associated with the apparatus. The system provides a tactile feedback of the parameter to a user remote from the apparatus. The system includes feedback means employing the parameter signal to generate a tactile sensation to the body of a user corresponding to the parameter.

Claim 36 is not anticipated by the Lurie et al '933 patent because Lurie et al does not disclose a feedback means employing a parameter signal to generate a tactile sensation to the body of the user corresponding to the parameter. In contrast, Lurie et al '933 teaches merely a speaker (74) and display screen (30) for communicating patient parameters to the clinician. The generation of tactile feedback thus represents a significant improvement over the prior art and a clear difference between the system of claim 36 and the remote control taught by Lurie et al '933.

As discussed in the present application, providing tactile feedback to the user enables optimal control and response to the feedback provided by the parameter. For example, when the system is used to control the functions of a ventilator, the skilled clinician is able to sense subtle characteristics and/or changes in the lungs and

respiration of the patient based upon the tactile sensation generated by the feedback means. It is difficult or impossible to otherwise obtain this type of feedback information when merely mechanical ventilating apparatus provides the breathing gases. Present application page 2, lines 8-11.

Thus, the device claimed by claim 36 represents a marked improvement over the prior art devices, including that taught by Lurie et al '933. Claim 36 is thus believed allowable.

Claims 37-42

Claims 37-42 depend directly or indirectly from claim 36 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein.

Claims 37-42 more particularly recite various aspects and features of the feedback means for generating the tactile sensation to the body of the user. As stated above, such feedback means are not taught or suggested by the prior art. Similarly, the prior art fails to teach feedback means which includes actuator means for generating a force on the selected body portion of the user.

Claims 42-50

As stated in the Office Action, claims 42-50 are allowable because the subject matter recited therein is not taught or suggested by the prior art. Claims 42-50 are further allowable because they depend directly or indirectly from claim 36, which is believed allowable.

Claims 51-64

Claims 51-64 depend directly or indirectly from claim 36 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein. Claims 51-64 further define various aspects of the feedback means, control system, and communication means which are not taught or suggested by the prior art.

Claim 65

Claim 65 recites a remote control and tactile feedback system for medical apparatus. The system includes feedback means suitable for being placed in contact with a selected body portion of the user for generating a tactile sensation that can be experienced by the user. As stated above, the cited reference, Lurie et al '933, neither

teaches nor suggests such a feedback means that generates a tactile sensation that can be experienced by the user. As such, claim 65 is not anticipated by Lurie et al '933.

Claims 66-72

Claims 66-72 depend directly or indirectly from claim 65 and are thus believed allowable for the reasons stated above as well as the subject matter recited therein.

Claims 73 and 74

Claims 73 and 74 depend directly or indirectly from claim 65 and are thus believed allowable for the reasons stated above. In addition, as stated by the Examiner in the Office Action, the subject matter recited in claims 73 and 74 is not shown in the prior art.

Claims 75-81

Claim 75-81 depend directly or indirectly from claim 65 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein.

Claims 82-89

Claim 82-89 depend directly or indirectly from claim 65 and are thus believed allowable for the reasons stated above. In addition, as stated in the Office Action, the subject matter of claims 82-89 is not shown in the prior art.

Claim 90-106

Claims 90-106 depend directly or indirectly from claim 65 and are thus believed allowable for the reasons stated above as well as the subject matter recited therein. Claims 90-106 further define various aspects of the control member, feedback member, communication means, and telemetry link which are not shown in the prior art.

Claim 107

Claim 107 recites a remote control and tactile feedback system for a respiratory ventilator. The system includes a member suitable for being placed in the hand of the operator and having a trigger connected to a signal generator to provide a control signal for carrying out a control action in the ventilator. The member also has actuator means for operating the trigger to generate a tactile sensation that can be experienced by the user.

Appln. No. 09/924,148
Amdt dated: January 27, 2004
Reply to Office Action of August 28, 2003

Lurie et al '933 teaches neither a member suitable for being placed in the hand of the operator and having a trigger, nor actuator means for operating the trigger to generate a tactile sensation that can be experienced by the user.

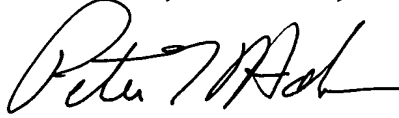
As such, claim 107 is not anticipated by Lurie et al '933.

Conclusion

The present application is thus believed in condition for allowance with claims 9-16, 19, 22 and 36-107. Such action is earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

A handwritten signature in black ink, appearing to read "Peter T. Holsen", written in a cursive style.

Peter T. Holsen
Reg. No. 54,180

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, WI 53202
(414) 271-7590
Attorney Docket No.: 3848-00638